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LEGISLATION TRACKER

Bharatiya Nyaya Sanhita, 2023

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SUBJECTS COVERED

POLITY

CURATED & WRITTEN BY

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ACT NUMBER	YEAR ENACTED	REPLACES
Act No. 45 of 2023	2023	Indian Penal Code, 1860 (Act No. 45 of 1860)

KEY PROVISIONS

- 1 Section 103 — Murder (replaces IPC Section 302); death or life imprisonment
- 2 Section 111 — Organised crime defined as a separate offence with stringent punishment
- 3 Section 69 — Sexual intercourse by deceitful means or false promise of marriage
- 4 Section 113 — Terrorism defined and penalised (previously under UAPA only)
- 5 Section 152 — Acts endangering sovereignty, unity and integrity of India (replaces sedition)
- 6 Section 64–70 — Comprehensive sexual offences chapter including gang rape and repeat offenders
- 7 Section 304 — Snatching as a distinct offence (new addition, not in IPC)

BACKGROUND

The Bharatiya Nyaya Sanhita (BNS) was introduced in the Lok Sabha on August 11, 2023, as a Bill to replace the colonial-era Indian Penal Code (IPC), 1860. The IPC had been the primary criminal law statute in India for over 160 years and was originally drafted by Lord Thomas Babington Macaulay. While it had been amended numerous times, the fundamental structure remained rooted in British colonial jurisprudence, prioritising the protection of the Crown over the rights of Indian citizens.

The BNS received Presidential assent on December 25, 2023, and came into force on July 1, 2024. The law was part of a trio of criminal law reforms — alongside the Bharatiya Nagarik Suraksha Sanhita (BNSS) and the Bharatiya Sakshya Adhiniyam (BSA) — that collectively replaced the IPC, CrPC, and Indian Evidence Act respectively. Union Home Minister Amit Shah piloted all three Bills through Parliament.

The BNS contains 358 sections (compared to 511 sections in the IPC). It introduces new offences such as organised crime, terrorism, mob lynching, and snatching, while removing the colonial sedition offence (IPC Section 124A) and replacing it with a reworded provision on acts endangering sovereignty. Community service

has been introduced as a punishment for certain minor offences for the first time in Indian criminal law.

KEY CONCEPTS

- **Decolonisation of criminal law:** The BNS removes colonial-era nomenclature and restructures the code to reflect Indian constitutional values and contemporary societal needs.
- **Sedition to sovereignty:** IPC Section 124A (sedition) has been repealed. BNS Section 152 penalises acts endangering sovereignty, unity, and integrity of India, but removes the word “sedition” and narrows the scope to acts involving armed rebellion, subversive activities, separatist sentiments, or endangering sovereignty.
- **Organised crime (Section 111):** Defined as continuing unlawful activity by individuals or groups using violence, coercion, or other means to obtain material or financial benefits. Punishable with imprisonment up to life or death if it results in the death of any person.
- **Terrorism (Section 113):** For the first time, terrorism is defined in the general criminal law. Previously, it existed only in special laws like UAPA (1967) and the now-repealed TADA and POTA.
- **Community service:** Introduced as a form of punishment for petty offences (e.g., Section 202 — public servant unlawfully engaging in trade; Section 209 — attempt to commit suicide to compel or restrain exercise of lawful power). This is a restorative justice measure new to Indian criminal law.
- **Gender-neutral provisions:** Certain sections expand applicability beyond traditional gender categories, while sexual offences against women retain specific protections.

IMPORTANT PROVISIONS

- **Section 4 — Punishments:** Lists seven forms of punishment: death, imprisonment for life, imprisonment (rigorous or simple), community service, fine, and forfeiture of property. Community service is the new addition.
- **Section 103 — Murder:** Replaces IPC Section 302. Punishment remains death or life imprisonment with fine. Mob lynching causing death is specifically covered under Section 103(2).
- **Section 113 — Terrorism:** An act committed with intent to threaten the unity, integrity, and security of India, intimidate the general public, or disturb public order using bombs, firearms, biological agents, etc. Punishment: death or life imprisonment with fine.
- **Section 152 — Acts endangering sovereignty:** Replaces sedition (IPC 124A). Penalises exciting or attempting to excite secession, armed rebellion, or subversive activities. Punishment: imprisonment up to 7 years or life, with fine.
- **Section 304 — Snatching:** Theft by suddenly or quickly or forcibly seizing or securing or grabbing movable property from any person or from their possession. Punishment: up to 3 years imprisonment with fine. This is a new standalone offence (distinct from theft under Section 303) recognising a

widespread urban crime.

- **Section 69 — Sexual intercourse by deceitful means:** Penalises sexual intercourse obtained by promise of marriage, employment, or promotion that the accused never intended to fulfil.
Punishment: up to 10 years imprisonment.

LANDMARK JUDGMENTS

- **Kedar Nath Singh v. State of Bihar (1962):** The Supreme Court upheld the constitutionality of IPC Section 124A (sedition) but read it down to apply only where words incite violence or public disorder. The BNS Section 152 effectively codifies this narrow reading by removing the word “sedition” and requiring acts that endanger sovereignty.
- **S.G. Vombatkere v. Union of India (2022):** The Supreme Court kept sedition proceedings in abeyance after the Union Government informed the Court that it was reconsidering Section 124A. This case was a direct precursor to the repeal of sedition through BNS.
- **Navtej Singh Johar v. Union of India (2018):** The Supreme Court struck down IPC Section 377 (criminalisation of homosexuality). The BNS does not reintroduce this provision, maintaining the decriminalisation.
- **Joseph Shine v. Union of India (2018):** The Supreme Court struck down IPC Section 497 (adultery). The BNS does not reintroduce adultery as a criminal offence.

RECENT AMENDMENTS / DEVELOPMENTS

- **July 1, 2024:** BNS came into force across India, replacing the IPC. All FIRs registered from this date onwards are under BNS sections.
- **Transitional provisions:** Cases registered under IPC before July 1, 2024 continue to be tried under IPC provisions. BNS Section 6(2) ensures that pending cases are not affected.
- **State-level implementation:** States have been directed to train police officers and judicial officers on the new code. The Bureau of Police Research and Development (BPR&D) developed training modules.
- **Supreme Court interpretations (2025):** The Supreme Court has begun actively interpreting BNS provisions. In 2025, the Court mandated that a preliminary inquiry must be conducted before lodging an FIR if the offences alleged are punishable with imprisonment between 3 to 7 years, particularly for offences related to speech and expression — a significant judicial safeguard against misuse of BNS Section 152 (sovereignty provision).
- **Section 152 controversy continues:** Legal experts and opposition parties have argued that BNS Section 152 (sovereignty) retains the essence of sedition in a reworded form. The Supreme Court’s requirement of preliminary inquiry for speech-related offences (3-7 years punishment range) is seen

as a judicial check on potential misuse of this provision. Several retired judges and civil liberties organizations have called for further narrowing.

- **ICJS integration challenges:** Courts have observed difficulties in serving summons properly due to incomplete implementation of the Inter-operable Criminal Justice System (ICJS), highlighting the gap between the BNS's technology-forward design and ground-level digital infrastructure.

UPSC RELEVANCE

*BNS section numbers replacing key IPC sections (302→103, 124A→152, 377 removed); new offences (organised crime, terrorism, snatching); community service as punishment; date of enforcement (July 1, 2024). **Mains GS-2:** Criminal justice reform; decolonisation of law; impact on fundamental rights (Articles 19, 21); federalism issues (criminal law is in Concurrent List – Entry 1, List III); comparison between sedition under IPC and sovereignty provision under BNS. **Interview:** “Do you think replacing colonial-era laws with Hindi-named statutes constitutes genuine reform, or is it merely cosmetic change?”*

RELATED TERMS

[Criminal Justice Reform](#)
[Sedition](#)



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